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SENATE BILL 843

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO ATHLETICS; PROVIDING FOR A STATEWIDE POLICY
PROHIBITING THE USE OF ANABOLIC STEROIDS BY HIGH SCHOOL
STUDENTS ENGAGED IN INTERSCHOLASTIC ACTIVITIES; PROHIBITING
PROFESSIONAL BOXERS AND WRESTLERS IN PROFESSIONAL CONTESTS FROM
USING STEROIDS; PROVIDING FOR RANDOM TESTING; MAKING AN
APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4.3 NMSA 1978 (being Laws 1986,
Chapter 33, Section 9, as amended) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES. --

A. Local school boards shall establish student
discipline policies and shall file them with the department [of
education]. The local school board shall involve parents,
school personnel and students in the development of these

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1 policies, and public hearings shall be held during the
2 formulation of these policies in the high school attendance
3 areas within each school district or on a district-wide basis
4 for those school districts that have no high school.

5 B. Each school district discipline policy shall
6 establish rules of conduct governing areas of student and
7 school activity, detail specific prohibited acts and activities
8 and enumerate possible disciplinary sanctions, which sanctions
9 may include corporal punishment, in-school suspension, school
10 service, suspension or expulsion.

11 C. Commencing with the 2005-2006 school year, each
12 school district shall adopt and maintain a policy that
13 prohibits the use of anabolic steroids by high school students
14 and provides for the random testing for anabolic steroids of
15 high school students participating in interscholastic athletics
16 governed by the New Mexico activities association. The results
17 of such testing shall be kept confidential, separate from a
18 student's educational record and nontransferable and not
19 disclosable to any other school district. The results may only
20 be used to disqualify a student from continued participation in
21 interscholastic athletics after two prior incidents in which
22 the student was first warned and then suspended temporarily
23 from participation in interscholastic athletics governed by the
24 New Mexico activities association after testing positive for
25 anabolic steroid use. The department shall promulgate rules to

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1 implement the provisions of this subsection, including
2 establishing guidelines addressing random testing by school
3 districts.

4 ~~[C.]~~ D. An individual school within a school
5 district may establish a school discipline policy, provided
6 that parents, school personnel and students are involved in its
7 development and a public hearing is held in the school prior to
8 its adoption. If an individual school adopts a discipline
9 policy in addition to the local school board's school district
10 discipline policy, it shall submit its policy to the local
11 school board for approval.

12 ~~[D.]~~ E. No school employee who in good faith
13 reports any known or suspected violation of the school
14 discipline policy or in good faith attempts to enforce the
15 policy shall be held liable for any civil damages as a result
16 of such report or of ~~[his]~~ the employee's efforts to enforce
17 any part of the policy."

18 Section 2. Section 60-2A-9 NMSA 1978 (being Laws 1980,
19 Chapter 90, Section 9) is amended to read:

20 "60-2A-9. LICENSES TO CONDUCT PROFESSIONAL CONTESTS. --

21 A. The commission may issue licenses to conduct,
22 hold or give a professional contest to any promoter under such
23 terms and in accordance with such rules as the commission may
24 adopt, which rules:

25 (1) shall prohibit professional boxers or

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1 professional wrestlers in professional contests from using
2 anabolic steroids; and

3 (2) shall require promoters to develop
4 policies or practices for randomly testing for the use of
5 anabolic steroids.

6 B. Any application for ~~such~~ a license shall be in
7 writing and shall correctly show the promoter. The application
8 shall be accompanied by the annual fee prescribed by law.

9 C. Before any license is granted to a promoter, the
10 promoter must file a bond in an amount fixed by the commission
11 but not less than two thousand dollars (\$2,000) with good and
12 sufficient surety and conditioned for the faithful performance
13 by the promoter of the provisions of the Professional Athletic
14 Competition Act. "

15 Section 3. APPROPRIATION.--Three hundred thousand dollars
16 (\$300,000) is appropriated from the general fund to the public
17 education department for expenditure in fiscal year 2006 to pay
18 for administrative and testing costs related to the random
19 testing for anabolic steroids by high school students engaged
20 in interscholastic athletics governed by the New Mexico
21 activities association. Any unexpended or unencumbered balance
22 remaining at the end of fiscal year 2006 shall revert to the
23 general fund.

24 Section 4. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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